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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Justo Londono

and

Barbara Londono

Debtors.

Chapter 7

Case No: 11-17370

Hon. Morris S. Stern, USBJ

Date Case File: 03/12/2011

FIA Card Services, N.A.
(F.K.A. MBNA America Bank, N.A.)

Adv. Pro. No.: 11-01770

PLAINTIFF

-against-

Barbara M. Londono

DEFENDANT

DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL AND
STATEMENT OF ISSUE TO BE PRESENTED

Pursuant to Bankruptcy Rule 8006, the debtor, Barbara Londono, appellant, hereby designates the items to be presented in the record on appeal and provides the statement of Issues to be Presented. This appeal was brought by the debtor-defendant Barbara Londono from an order dated October 11, 2011. The Honorable Morris Stern having sat as the fact finder entered the Order discharging the debt owed to FIA Card Services, but denying the request for legal fees pursuant to 11 U.S.C. 523(d). Notice of Appeal was filed on October 27, 2011.

Items to Included on Record of Appeal

1. Complaint filed by FIA Card Services, N.A. on May 9, 2011.
2. Answer to Complaint filed by debtor-defendant Barbara Londono on May 10, 2011.
3. Motion for summary judgment and all supporting documentation filed by debtor-defendant on August 19, 2011.
4. Transcript of hearing on debtor's motion for summary judgment. Hearing date: October 11, 2011.

Statement of Issue to Be Presented

Whether the Bankruptcy Court erred in denying the debtor-defendant's demand for legal fees pursuant to Section 523(d) of the Bankruptcy Code where the uncontested facts as revealed through a motion for summary judgment showed that the creditor-plaintiff was not substantially justified in commencing and pursuing its complaint pursuant to Section 523(a) of the Bankruptcy Code and where there were no special circumstances which would have made an award of legal fees unjust.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nicholas Fitzgerald', written over a horizontal line.

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Cc:

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